

Calendar date of 6/7/10

All corrections to notes on this calendar should be filed by 5/28/10. Documents filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PROBATE

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000221

CASE NAME: ROBERT JAMES BRYAN

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full Authority under IAEA.

COUNSEL:

ROBERT JENSEN BRYAN (PET)...RICHARD G ANDERSON
TED LORIN BRYAN (PET)...RICHARD G ANDERSON
ROBERT JAMES BRYAN (DEC)...

GENERAL INFORMATION:

Continued from 5/3/10 for proof of publication.

THIS CASE IS SET FOR HEARING ON Petition for Letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. Will waives bond and petitioner is a resident of Washington state. However, bond will normally be required of nonresident personal representatives even when will waives bond Pr.C.§8571. Estimated estate value is \$50,000. Court may wish to order full bond or minimum bond. JTD

RECOMMENDATION:

RFA subject to note 1 and Court's determination re bond. If approved, set future hearing for Accounting/Status Review on **7/11/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra/abs/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000231

CASE NAME: ADELINA LUNA

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ELIZABETH LUNA CORREA (PET)...PRO/PER

ADELINA LUNA (DEC)...

GENERAL INFORMATION:

Continued from 5/3/10 at request of petitioner.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. Notice of hearing and proof of service filed. However, need proper Judicial Council form. Need proof of service of Notice of Petition to Administer Estate as it contains specific language.
3. All heirs waive bond. The estimated estate contains only real property.

RECOMMENDATION:

RFA subject to notes 1 & 2, no bond. If approved, set future hearing for Accounting/Status Review on **7/11/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000301

CASE NAME: AMELIA HOHENSEE TOMPKINS SEWELL

HEARING:

Hearing re: Petition for Letters of Testamentary With Full Authority Under IAEA..

COUNSEL:

STANLEY RAY SEWELL (PET)...CHARLES J. UMEDA
AMELIA HOHENSEE TOMPKINS SEWEL(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. Need notice of Petition to Administer Estate and proof of service.
3. Will waives bond.

RECOMMENDATION:

RFA subject to notes 1 & 2, no bond. If approved, set future hearing for Accounting/Status Review on **8/15/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000335

CASE NAME: AGUSTINA B HERRERA

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CARLOS L CABRERA (PET)...PRO/PER
AGUSTINA B HERRERA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. Need notice of Petition to Administer Estate and proof of service.
3. All heirs waive bond.
4. Item 3c is not completed. However, petitioner submits proposed orders requesting a finding that decedent died intestate.
5. Petitioner is a son of decedent. However, he is not listed in item 8 of the petition. Need verified supplement.

RECOMMENDATION:

RFA subject to notes 1 & 2, no bond. If approved, set future hearing for Accounting/Status Review on **8/15/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0600209

CASE NAME: RAYMOND P HORSPOOL AND MARGARET F HORSPOOL FAMILY

HEARING:

Motion Re: TO TAX COSTS Filed by Petitioner RAYMOND HORSPOOL,
J DAVID HORSPOOL

COUNSEL:

RAYMOND P HORSPOOL (PET)...FULLERTON LEMANN SCHAEFFER & D
J DAVID HORSPOOL (PET)...FULLERTON LEMANN SCHAEFFER & D
RAYMOND P HORSPOOL AND MARGARET (TRU)...JAMES B CHURCH
WILLIAM F HORSPOOL (APP)...PRO/PER
KELLY HORSPOOL (APP)...DAUN DE VORE
MORTGAGE ELECTRONIC REGISTRATI (CC)...FOLEY AND MANSFIELD
MORTGAGE CAPITAL ASSOCIATES (RES)...STEPHEN C CHUCK
SERVICE PLUS CREDIT UNION (ANDERSON, MCPHARLIN & CONNERS)...AN
BARBARA E. HOWARD ()...

No calendar notes will be prepared. Judge to decide.

FUTURE HEARINGS: 6/21/10 Hearing Re: Status re: Settlement

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700091

CASE NAME: IN RE DONNA BRUYERE LIVING TRUST

HEARING:

Petition for ENFORCEMENT OF SETTLEMENT

COUNSEL:

CAREY ABELLANA (PET)...DAVID G CURRIE
DONNA BRUYERE LIVING TRUST 2004 (DEC)...
RYAN ABELLANA (RES)...ROBERT L KERN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for enforcement of settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Carey Abellana, is a beneficiary to the Donna Bruyere Trust and Ryan Abellana is the current acting trustee of the Trust. On 3/2/07 petitioner filed a petition for relief from breach of trust and the matter was set for trial on 7/23/08. At trial the parties reached an agreement and Carey Abellana withdrew her petition. The parties agreed to communicate and cooperate with each other and work together to locate any additional assets. Petitioner provides a copy of the Reporter's transcript of the proceeding on 7/23/08.
2. Petitioner alleges that after the Court Trial, she became aware of certain assets held at Fidelity Investments, ING-USA, and Lockheed Martin under the name of Donna Bruyere. Petitioner alleges that a letter was sent to Ryan Abellana's attorney setting out the information on the additional assets. Petitioner alleges that several communications were exchanged, but that respondent has refused to cooperate to ascertain and distribute the assets and willfully disobeyed this Court's order.
3. Petitioner requests that the Court order respondent to appear and show cause why he should not be adjudged guilty of contempt and punished pursuant to CCP§1209 et seq.
4. Need notice of hearing and proof of service.

RECOMMENDATION:

Need notice of hearing.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700817

CASE NAME: MTR OF JOYCELIN CASTRO

HEARING:

FIRST Account and Report of JENNIFER CANDLER and Petition for fees

COUNSEL:

JENNIFER CANDLER (PET)...JESSICA C ALEXANDER

JOYCELIN CASTRO (DEC)...

ZOE INNIS (PET)...PRO/PER

STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

No file available for review

FUTURE HEARINGS:

6/21/10 Probate status report filed.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700947

CASE NAME: ROBERT V & HELENE E LAPHAM FAMILY LIVING TRUST

HEARING:

Petition for AUTHORIZE COMPROMISE, SETTLEMENT AND RELEASE OF
PROCEEDINGS AGAINST SUCCESSOR TRUSTEE

COUNSEL:

IONA RICE (PET)...WILKINSON & WILKINSON
ROBERT V & HELENE E LAPHAM FAM(TRU)...
NOREEN BJORKMAN (OBJ)...PAUL N GATREAU

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to compromise, settlement and release
proceedings against successor trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

- 1 Petitioner herein, Noreen Bjorkman, is a daughter of trustor/settlor Robert Lapham and had objected to a Petition for Instructions Regarding Construction of Trust Instrument filed by Iona Rice, acting Successor Trustee of the Robert V. and Helene E. Lapham Family Revocable Living Trust 7/10/96. Both settlors, Robert and Helene are now deceased.
- 2 Petitioner herein alleges that the parties have come to an agreement whereby Iona Rice as successor trustee will pay \$252,237.00 (approximately half of the Trust estate) and Noreen Bjorkman will withdraw her objections in the petition for instructions and shall dismiss with prejudice the civil action pending in the Los Angeles Superior Court on the rejected creditor claim. Petitioner alleges that the benefit of the compromise is that each of the settlor's individual families will receive approximately 50% of the trust assets. It is unclear as to how each half will be distributed. Petitioner lists Joan Lapham as a daughter of Robert, but she is not listed in the Schedule A of the Trust as a beneficiary. Question if the assets to be received on behalf of the family of Robert Lapham are to be distributed to Robert Lapham's heirs per intestate succession.

RECOMMENDATION:

Court's discretion.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701095

CASE NAME: KATHERINE M. WERNER

HEARING:

FIRST AND FINAL Account and Report of DIANA L. YATES and
Petition for allowance of fees filed.

COUNSEL:

DIANA L. YATES (PET)...PAUL S. WILLIAMS
KATHERINE M WERNER (DEC)...
DEPARTMENT OF HEALTH CARE SERV (TP)...PRO/PER
CALVARY PORTFOLIO SERVICES, LL (BRIAN N WINN)...BRIAN N W

GENERAL INFORMATION:

Continued from 5/3/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final
distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Summary of account is out of balance by \$35,611.28. However, this is because petitioner incorrectly included the amount of creditor claims. Does Court wish to require a corrected summary of account. JTD
2. Petitioner alleges that 5 creditor claims were allowed and that one specifically from DHS has not been paid. Question if the other 4 claims have been paid. Need verified supplement.
3. The I&A indicates furniture and furnishings valued at \$500.00 and the summary of account indicates this personal property was donated. As the personal property had some value, question who or what organization received the benefit of the estate's personal property. Need verified supplement and need schedule per Pr.C.§1062.
4. Petitioner alleges that the estate was real property was lost to foreclosure leaving no assets in the estate for distribution. No request is made for distribution of assets not now known or later discovered. There is an

outstanding debt to DHS. As DHS would have priority of distribution, does Court wish to require an omnibus clause. JTD

5. Petitioner alleges that decedent's son, Ronald Werner, was living in the real property and had agreed to pay rent and the mortgage on the real property, but that he had done neither. Question if petitioner will seek reimbursement of lost rent and mortgage against Ronald Werner. Need verified supplement.
6. Petitioner alleges that petitioner and attorney are entitled to statutory fees, but does not provide an amount or calculations of those fees per CRC §7.705. Question if petitioner and attorney waive compensation. Need verified supplement.
7. Petitioner requests discharge in the petition for distribution. However, petitioner is not requesting termination of the probate proceeding under Pr.C. §12251 and discharge is not permitted until after all receipts have been filed and an Ex-parte petition for final discharge is submitted.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing final discharge for **5/9/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800539

CASE NAME: MTR OF ISABEL T POWELL

HEARING:
Accounting Review

	COUNSEL:
GUY P BAUMAN	(PET)...DALE C HUFFAKER
ISABEL T POWELL	(DEC)...
JILL G SHIRLEY	(TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 8/26/08, no bond.
2. Last status hearing 3/29/10 petitioner alleged the estate is in a condition to be closed and an accounting is being worked on.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800620

CASE NAME: MTR OF FAYE B DAVIS

HEARING:
Hearing re Final Discharge

	COUNSEL:
VIRGINIA E DAVIS	(PET)...HARTNELL, LISTER & MOORE
FAYE B DAVIS	(DEC)...

No file available for review.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900067

CASE NAME: MTR OF MARIE J GIORDANO

HEARING:
Accounting Review

COUNSEL:

RICHARD N LARSEN /PUBLIC ADMIN(PET)...HORSPOOL & PARKER
MARIE J GIORDANO (DEC)...
ANNUNZAIATA GIORDANO (PET)...HARTNELL, LISTER & MOORE
ANNUZIATA GIORDANA (TP)...HARTNELL LISTER & MOORE
CARLO GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
CARMINE GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
ELVIRA GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
GELSOMINA GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
GIUSEPPINA GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
PASQUALE GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
RAFFAELINA GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
VIRGINIA GIORDANO (HARTNELL LISTER & MOORE)...HARTNELL
DEPT. OF HEALTH CARE SERVICES (PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 3/16/09, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900107

CASE NAME: LEOTA H. CHINNOCK

HEARING:
Accounting Review

COUNSEL:
ELMER H CHINNOCK (PET)...HARTNELL LISTER & MOORE
LEOTA H CHINNOCK (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 3/23/09, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06962

CASE NAME: ** MF CLEVELAND PEART
SEE ALSO COMPANION FILE ON FOLLOWING PAGE.

HEARING:
Accounting Review

COUNSEL:

JEROME PEART	(PET)...	AMY YORK GARRETT
CLEVELAND PEART	(DEC)...	
WILLIE D ADAMS	(PET)...	STEWART R ALBERTSON
HAROLD L PHILLIPS	(PET)...	FULLERTON LEMANN SCHAEFFER & D
ANN LISTER	(DEC)...	
HAROLD PHILLIPS	(PLA)...	WILLIAM M GARRETT, JR
DEPARTMENT OF HEALTH SERVICES (TP)...	PRO/PER	
HAROLD L PHILLIPS	(FULLERTON LEMANN SCHAEFFER & D)...	FULLERTON
WILLIE ADAMS	(ZIPRICK & CRAMER)...ZIPRICK &

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 4/14/06, no bond.
2. Last status report approved 6/1/09.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06980

CASE NAME: ANN LISTER

SEE ALSO COMPANION FILE ON PREVIOUS PAGE.

HEARING:
Accounting Review

COUNSEL:
HAROLD L. PHILLIPS (PET)...FULLERTON LEMANN SCHAEFFER & D
ANN LISTER (DEC)...
WILLIE D ADAMS (PET)...ZIPRICK & CRAMER

GENERAL INFORMATION:

On 10/23/08 Court orders this case SPRSS06980 which was consolidated into SPRSS06962 unconsolidated. All documents regarding this case that were filed in SPRSS06962 were transferred back into this case SPRSS06980 and duplicate originals were put in SPRSS06962.

Continued from 05-04-09 and 6/1/09 to trail SPRSS06962.

THIS CASE IS SET FOR HEARING ON status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It is unclear from the minute orders what status is to be reviewed at this hearing. At any rate, no status report has been filed.

RECOMMENDATION:

Court's discretion.
(NMT/vet/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS07177

CASE NAME: ESTATE OF KEITH ROBERT MORRISON

HEARING:
Accounting Review

COUNSEL:
WILLIAM R. SELLAS (PET)...MARTIN E KELLER
KEITH ROBERT MORRISON (DEC)...
PHYLLIS J ECKHARDT (TP)...PRO/PER

GENERAL INFORMATION

Continued from 01/11/10, 2/22/10, 3/22/10 and 5/3/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 10/20/06, no bond.
2. First account current approved 8/21/09.
3. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(kra/cbr/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS07281

CASE NAME: EST OF RUTH JEAN SKINNER

HEARING:

FIRST AND FINAL Account and Report of BRENDA COLLINS and Petition for fees

COUNSEL:

BRENDA COLLINS (PET)...BENJAMIN DONEL & ASSOCIATES
RUTH JEAN SKINNER (DEC)...
KATHY A BARTLOW/BOND SPECIALIS(TP)...PRO/PER

GENERAL INFORMATION:

Continued **several times since 5/5/08 and last from 9/3/09**. Court ordered counsel to be present at next hearing.

Continued from **10/15/09** and **11/30/09** and **01/11/10** at request of counsel.

Continued from **2/22/10** for review of supplement.

Continued from **3/22/10** No appearance. Court orders counsel to be present with client.

Clerk mailed notice (see note 6).

Continued from 5/3/10 at request of counsel to file supplement.

THIS CASE IS SET FOR HEARING ON **Amended** 1st & final account and petition for fees and final distribution (filed 6/23/08)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. **Supplement to the First Account filed. As an Amended Account has been filed, these notes will reflect the supplement as a Supplement to the Amended First Account.**
2. The summary of account is not in compliance with the Pr.C.§1061 format. Question if any disbursements were made from the estate. Need verified supplement. *Supp: The summary of account is still not in compliance. Petitioner alleges there is zero assets on hand at the beginning of the account period; however, an I&A was filed on 10/9/07 with an appraisal value of \$355,000. Petitioner also alleges in the summary that there were no losses; however, as the real property was foreclosed and a surplus payment generated, the facts indicate a loss to the estate. Finally, petitioner claims there are zero total*

Charges and zero total Credits; as there are figures to sum up in the body of the Charges and Credits categories the figures reflected are incorrect. Need a proper Summary of account and supporting schedules. Supp(1/25/10 & 2/11/10): New Summary of Account and Schedules still do not make sense. E.g., on Summary of Account for Charges there is only one entry for \$355,000 I&A value yet total charges are then listed as \$130,575.31. Same basis errors for Credits. Need corrected accounting including Summary of Account and schedules per Pr.C.§1060 et seq.

3. Surplus proceeds generated from the foreclosure were received by the estate 6/13/07. Question whether all cash has been kept in interest bearing accounts (Pr.C.§1064(a)(5))? File verified supplement and need copies of bank statements verifying balance of property on hand per local rule 20-908.
4. Petitioner and attorney request statutory fees of \$4,917.26. Calculated ok.
5. Attorney requests reimbursement of \$1,510.00 for cost advanced in the administration of the estate. Itemized.
6. **Notice to counsel re Minute Order 3/22/10 returned with a forwarding address. Court may wish to direct clerk to mail notice to 6003 Compton Ave., Los Angeles, CA 90001-1311.**

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **3/28/11**.

(kra/gls/cbr/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 9:00 DEPT: S33P

CASE#: VPR VS01815

CASE NAME: ESTATE OF VIRGINIA K CAREL

HEARING:
Accounting Review

COUNSEL:
SHARON K STATON (PET)...PRO/PER
VIRGINIA K CAREL (DEC)...
LARRY R CAREL (PET)...MICHAEL H ELAM
DEPT OF HEALTH SERVICES (TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued to Larry Carel 6/16/06, \$20,000 bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PUBLIC GUARDIAN

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0700029

CASE NAME: CARL ERVIN

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
CARL ERVIN	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Decree terminating conservatorship filed 3/16/10. Need 2nd **final** accounting.
2. No accounting filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0700288

CASE NAME: IRENE ACOSTA

HEARING:
SECOND AND FINAL Account and Report of PUBLIC GUARDIAN and
Petition for allowance of fees filed.

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
IRENE ACOSTA (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 2nd & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 2/26/09 – 3/30/10.
2. Conservatorship established under W&I 5350 and terminated on 2/5/10.
3. Assets on hand \$972.00 consisting of cash.
4. Public Guardian and County Counsel request fees of \$486.00 each.
5. Petitioner has distributed burial trust policies and \$973.95 in cash to conservatee, representing final distribution of conservatee's estate and requests the Court's confirmation. Receipt filed.

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **6/13/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800080

CASE NAME: MARY MARQUARDT

HEARING:

Petition for INSTUCTIONS AUTHORIZING AND DIRECTING PG TO CEASE
EFFORTS TO SELL HOME OF CONSERVATEES

COUNSEL:

PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
MARY MARQUARDT (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION:

Continued from 5/3/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for authority to cease efforts to sell and to abandon conservatee's interest in mobile home

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Conservatee has no resided in her personal residence since 4/29/08 and the Court authorized the sale of conservatee's personal residence, a 1973 Aquarius mobile home, on 3/16/09.
2. Petitioner alleges that the mobile home was placed on the market 3/27/09 and has not received any offers. The property was reappraised at \$20,000 as of 8/4/08.
3. Petitioner alleges that the space rent is \$440-\$450/monthly and including maintenance and insurance has cost the conservatorship estate a total of \$13,043.14 since 10/18/07.
4. Petitioner alleges that conservatee's savings account was used to make the monthly payments, but is now depleted. Conservatee's only income is from Social Security, which is used for conservatee's care.
5. Petitioner alleges that because there have been no offers and that the cost to keep the residence exceeds its value, conservatee's estate can no longer keep the mobile home. Thus, petitioner requests to abandon conservatee's interest in the mobile home. Pr.C.§2465 provides that a conservator may abandon or dispose of valueless property. As the personal property has value, question who

or what organization will receive the benefit of the property. Also, question if conservatee will be responsible for fees relating to the removal and disposal by the mobile home park or the Department of Housing? Need verified supplement. **Supp (4/27/10): PG filed supplement stating that it has requested any surplus funds back from mobile home estate once the property is sold.**

RECOMMENDATION:

Court's discretion.

(kra/abs)

FUTURE HEARINGS:

1/23/12 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800081

CASE NAME: ADELE FLORIO

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
ADELE FLORIO	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION
Letters expired 4/10/10.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 11/30/09 Court approved the 1st account; as Letters have expired need final accounting.
2. No accounting filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800182

CASE NAME: MARION GRIFFIN

HEARING:

First Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:

PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
MARION GRIFFIN (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION:

Continued from 5/3/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON First conservatorship account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period 10/6/08 to 12/29/09 (14 ½ months).
2. Assets on hand \$136,822.82.
3. Petitioner and atty each request \$2,237 fees per the approved fee schedule.
4. It appeared petitioner's starting balance was inconsistent with the I&As filed. However, upon further review of the file the discrepancy in the amount of \$5.00 is listed as an after acquired asset, thus balancing the accounting.

RECOMMENDATION

RFA. If approved, set next accounting review for **3/1/11** (one year) or **3/6/12** (two years).
(abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800270

CASE NAME: JAMES K. DOYEN

HEARING:

FIRST Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
JAMES K DOYEN	(CEP)...DUANE P BOOTH
JAMES K DOYEN	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 1/26/09 – 2/16/10.
2. Assets on hand \$2,164.68 consisting of cash and pre-need burial trust.
3. Public Guardian and County Counsel request fees of \$35.00 each.

RECOMMENDATION:

RFA. If approved, Court may wish to set the next hearing re Accounting Review for **6/13/11** or a biennial Accounting Review for **6/11/12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0900017

CASE NAME: GUNTHER W BUERK

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
GUNTHER W BUERK (CEP)...
DONNA LEE STURGILL DIAZ (PET)...DONNA LEE STURGILL DIAZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. PG appointed 3/30/09.
2. No accounting filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0900021

CASE NAME: GLORIA H MORGAN

HEARING:

FIRST Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
GLORIA H MORGAN	(CEP)...KARIN HORSPOOL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 2/2/09 – 2/25/10.
2. Assets on hand \$3,904.70 consisting of cash and pre-need burial trust.
3. Public Guardian and County Counsel request fees of \$164.00 each.
4. Public Guardian requests extraordinary compensation of \$195.00 for 3 hours services relating to the sale of conservatee's personal property.
5. Court Investigator report filed 4/20/10.

RECOMMENDATION:

RFA. If approved, Court may wish to set the next hearing re Accounting Review for **6/13/11** or a biennial Accounting Review for **6/11/12** per Pr.C.§2620(a). Any accounting to be filed 30 days in advance.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SC SS01086

CASE NAME: IN THE MATTER OF ROBERT LEE SAPP

HEARING:
Accounting Review

	COUNSEL:
ROBERT LEE SAPP	(CEP)...
VIVIAN MACON	(CPE)...MARGARET H NELSON
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
ROBERT LEE SAPP	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION
Letters expire 7/10/10.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 6/1/09 Court approved the 1st account; 2nd accounting now due.
2. No accounting filed.

RECOMMENDATION:
Inquire status.
(kra)

FUTURE HEARINGS:
7/09/10 Hearing re: Petition for Reestablishment of Conservatorship. WB

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SC SS01768

CASE NAME: MTR OF AARON SWARTZ ET AL

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
AARON SWARTZ (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 5/14/09 Court approved a Waiver of the 7th account; 8th accounting now due
2. No accounting or waiver of account filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino Superior Court
 San Bernardino District
 PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SG SS7014

CASE NAME: IN MTTR OF STEPHEN SIMS

HEARING:
Accounting Review

COUNSEL:
EDNA MAXWELL (CPE)...PRO/PER
STEPHEN WILLIAM SIMMS (CEP)...NOREEN FONTAINE
PUBLIC GUARDIAN (SC)...COUNTY COUNSEL
STEPHEN WILLIAM SIMMS (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 2/22/10 Court approved the 1st account.
2. Conservatee died 1/31/10. Need final account.
3. No accounting filed.

RECOMMENDATION:
Inquire status.
(kra)

FUTURE HEARINGS:
1/24/11 Accounting Review

CIVPRO San Bernardino Superior Court
San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SG SS7622

CASE NAME: IN MTR OF DWIGHT D WILLIAMS

HEARING:
Accounting Review

COUNSEL:
DWIGHT D. WILLIAMS (CEP)...
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 6/9/08 Court approved the 21st account; 22nd accounting now due.
2. Proof of service of waiver of account filed. However, no accounting or waiver of accounting filed.
3. No accounting filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS01836

CASE NAME: MTR OF KEVIN HAMMOND

HEARING:
Accounting Review

	COUNSEL:
KEVIN HAMMOND	(CEP)...HARTNELL HORSPOOL & FOX
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL

VACATED – Final accounting approved and PG discharged 11/9/09.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS02417

CASE NAME: MTR OF JACKIE BIRDSALL

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
JACKIE BIRDSALL	(CEP)...HARTNELL HORSPOOL & FOX

No file available for review.

FUTURE HEARINGS:
6/13/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS02768

CASE NAME: MTR RE STEPHEN GLOUDEMAN

HEARING:

FIRST AND FINAL Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
STEPHEN GLOUDEMAN (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Report and proposed order indicate that the accounting period covers 11/2/07 – 6/3/08. However, the summary of account and the receipts & disbursements indicate the accounting period ends 11/3/09. Court may wish to confirm the ending date of the account period.
2. Conservatorship established under W&I 5350 and terminated on 4/17/09.
3. Zero assets on hand.
4. Public Guardian and County Counsel waive compensation.

RECOMMENDATION:

RFA. If approved court to set hearing re final discharge for **6/13/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS02946

CASE NAME: MTR RE KENT LUNDWALL

HEARING:

third and final Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
KENT LUNDWALL	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 3rd & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 3/27/08 – 2/22/10.
2. Conservatorship established under W&I 5350 and terminated on 1/23/09.
3. Assets on hand \$462.00 consisting of cash.
4. Public Guardian and County Counsel request fees of \$231.00 each.
5. Petitioner has distributed \$461.46 to conservatee, representing final distribution of conservatee's estate and requests the Court's confirmation. Receipt filed.

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **6/13/11**.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS02964

CASE NAME: MTR RE GILBERT ROMERO

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
GILBERT ROMERO	(CEP)...HARTNELL LISTER & MOORE

FUTURE HEARINGS:
6/13/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS03000

CASE NAME: MTR RE WALTER SCHWARZ

HEARING:
Accounting Review

COUNSEL:
DAVID WALTER SCHWARZ (CPE)...THE WELCH LEGAL GROUP
WALTER SCHWARZ (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Continued from **01/11/10** no appearance.

Continued from **3/1/10** no appearance. Clerk mailed notice. Nothing new filed.

Continued from 4/12/10 as Court orders The Welch Legal Group to file a final unverified accounting on behalf of their client. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. First accounting approved 6/4/09. Need second account covering the period 11/1/08 – 10/31/09.
2. On 4/12/10, Court orders The Welch Legal Group to file a final unverified accounting on behalf of their client.
3. No accounting filed.
4. **Notice of continuance filed by counsel for conservator on 2/22/10. indicating the 2/18/10 hearing was continued to 4/22/10. However, there was no hearing scheduled for 2/18/10 and the continued date is also incorrect. Court may wish to direct counsel to re-notice.**

RECOMMENDATION:

Inquire status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS03140

CASE NAME: MTR RE KATHY DEWITSKY

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
KATHY DEWITSKY	(CEP)...HARTNELL LISTER & MOORE

FUTURE HEARINGS:
6/13/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS3947

CASE NAME: IN THE MATTER OF HOWARD KELVIN BOARD

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
HOWARD BOARD	(CEP)...HARTNELL LISTER & MOORE

FUTURE HEARINGS:
6/13/11 Accounting Review

CIVPRO San Bernardino Superior Court
 San Bernardino District
 PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS4632

CASE NAME: WILMA WATTS

HEARING:

FIRST Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
WILMA WATTS (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Letters expire 10/23/10.

THIS CASE IS SET FOR HEARING ON 1st account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 9/23/08 – 9/29/09.
2. Assets on hand \$503.15 consisting of cash.
3. Public Guardian and County Counsel request fees of \$126.00 each.

RECOMMENDATION:

RFA. If approved, Court to set next **LPS** hearing re Accounting Review for **6/13/11**. Any accounting to be filed 30 days in advance.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS5519

CASE NAME: MTR OF SHARI SMITH

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
SHARI SMITH	(CEP)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION
Letters expire 10/23/10.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 3/25/09 Court approved a Waiver of the 5th account; 6th accounting now due.
2. No accounting or waiver of account filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS5802

CASE NAME: IN THE MATTER OF DOROTHY GEORGE

HEARING:
Accounting Review

COUNSEL:
DOROTHY GEORGE (CEP)...HARTNELL HORSPOOL & FOX
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

GENERAL INFORMATION

Letters expire 5/1/10.

Continued from 3/8/10 at request of counsel to file final account as conservatee passed away.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 1/29/09 Court approved a Waiver of the 4th account; 5th accounting now due.
2. No accounting filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS9401

CASE NAME: IN THE MATTER OF LAURA VANZILE

HEARING:
ELEVENTH AND FINAL Account and Report of PUBLIC GUARDIAN and
Petition for allowance of fees filed.

COUNSEL:
LAURA VANZILE (CEP)...HARTNELL HORSPPOOL & FOX
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 11th & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 4/24/09 – 3/10/10.
2. Conservatee died 11/13/09.
3. Assets on hand \$6,900.82 consisting of cash.
4. Public Guardian and County Counsel request fees of \$1,000.00 each.
5. Petitioner proposes to distribute the remaining balance of the estate in satisfaction of claim filed by DHS

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **6/13/11**.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0700238

CASE NAME: ALICE B MCEACHERN

HEARING:

Conservatorship Compliance Review Hearing on SUPPLEMENTAL
PETITION FOR CONSERVATORSHIP of SANDRA KASCHEBUFSKI

COUNSEL:

SANDRA L KASCHEBUFSKI (CPE)...HORSPOOL & PARKER
ALICE B MCEACHERN (CEP)...
WILLIAMS BEALS (CP)...JAMES B CHURCH

GENERAL INFORMATION:

Sandra Kaschebufski was appointed successor conservator of the person and estate on
11/23/09, no bond.

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of service of a copy of the Order for Conservatorship with
Notification of Conservatee's rights per Pr.C.§1830(c).
2. Need Statement of Care Plan in accord with Pr.C.§2352.5.
3. Final Inventory & Appraisal filed.
4. Last Court Investigator report on general petition filed 10/2/09. Need Court
Investigator 6 month report per Pr.C.§1850(a)(1)

RECOMMENDATION

Inquire status.
(kra)

FUTURE HEARINGS:

3/15/12 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800136

CASE NAME: OLGA M MILLER

HEARING:
Petition for PAYMENT OF FEES OF COURT APPOINTED ATTORNEY

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
OLGA MILLER (CEP)...DONNA STURGILL DIAZ
DONNA LEE STURGILL DIAZ (PET)...DONNA LEE STURGILL DIAZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for court-appointed attorney fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Donna Sturgill-Diaz, was appointed for the conservatee on 7/1/08.
2. Petitioner requests fees of \$1,700.00 billed at \$200/hour for 8.5 hours. Itemized.

RECOMMENDATION:
Court's discretion.
(kra)

Future hearing dates:
12/12/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800292

CASE NAME: PATRICK DANIEL MCNAMARA

VACATED- FINAL DISCHARGE IS APPROVED AND SUBMITTED FOR SIGNATURE.

HEARING:
Final Discharge

COUNSEL:
TOM MCNAMARA (CPE)...HORSPOOL & PARKER
PATRICK DANIEL MCNAMARA (CEP)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900121

CASE NAME: THOMAS L HARTMAN

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of SHARON J HARTMAN

COUNSEL:

SHARON J HARTMAN (CPE)...PRO/PER
THOMAS L HARTMAN (CEP)...

GENERAL INFORMATION:

**Continued from 2/22/10 for conservator to prepare a final accounting as the
conservatee has passed away.**

THIS CASE SET FOR HEARING ON Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed conservator of the person and estate on 07/13/09, \$0 bond.
2. Care plan filed.
3. Final Inventory and Appraisal filed. However, section 5 is incomplete as to property tax certificate. Need to file verified supplement to verify property tax certificate has been filed.
4. Need bank statements to support Inventory and Appraisal value per local rule 20-908.
5. Need Court Investigator 6 month report per Pr.C.§1850(a)(1).

RECOMMENDATION

Inquire status. When documents are not filed as ordered, court may set a hearing in accord with Pr.C. §2655

(cbr/kra)

FUTURE HEARINGS:

9/13/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900143

CASE NAME: CHERIE KENEALY
COMPANION FILES= GARRS900101 & RFLRS21568.

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of RAFAEL N KENEALY

COUNSEL:

RAFAEL N KENEALY (CPE)...JAMES B CHURCH
CHERIE KENEALY (CEP)...NOREEN FONTAINE

GENERAL INFORMATION:

Father appointed conservator of person and estate on 9/21/09, \$35,200 bond.
Continued from 5/3/10 for I&A.

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need Statement of Care Plan in accord with Pr.C.§2352.5.
2. Need final Inventory & Appraisal per Pr.C.§2610.
3. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
4. If the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.
5. Court Investigator 6 month report filed.

RECOMMENDATION

Inquire re status.
(kra/abs/kra)

FUTURE HEARINGS:

11/29/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900219

CASE NAME: DOROTHY LENORE MILLER

HEARING:
Petition for FEES OF COURT APPOINTED ATTORNEY

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
DOROTHY LENORE MILLER (CEP)...
DONNA LEE STURGILL-DIAZ (PET)...DONNA LEE STURGILL DIAZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for court-appointed attorney fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Donna Sturgill-Diaz, was appointed for the conservatee on 11/2/09.
2. Petitioner requests fees of \$2,350.00 billed at \$250/hour for 9.4 hours. Itemized.

RECOMMENDATION:
Court's discretion.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: RC RS00329

CASE NAME: LJUJICA BOGGIO

HEARING:

OSC re: FTA/Failure to file an accounting filed by LUBA BOGGIO, ROMULO BOGGIO

COUNSEL:

LJUJICA BOGGIO	(PET)...PRO/PER
LUBA BOGGIO	(PCR)...PRO/PER
ROMULO BOGGIO	(PCR)...PRO/PER

GENERAL INFORMATION:

Parents were appointed conservators of person and estate 4/10/01, no bond.

On 5/3/10 Court set this OSC hearing as there was no appearance or accounting filed. Clerk mailed notice to conservators. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re failure to appear or file an accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Last waiver of account approved on 5/8/08.
2. No accounting or waiver of account filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(kra)

CIVPRO Rancho Cucamonga District
 Rancho District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: RC RS323

CASE NAME: Kimberly Ann Penner

HEARING:
Hearing Re: Confirmation of Transfer

COUNSEL:
RUPERT PENNER (CPE)...JOHN C MADDUX
MARLENE PENNER (CPE)...JOHN C MADDUX
KIMBERLY ANN PENNER (CEP)...

VACATED

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01841

CASE NAME: MATTER OF MAXINE SCOTT

HEARING:
Accounting Review

COUNSEL:

TERRY HILLOCK	(CPE)...	MARTIN E KELLER
MAXINE SCOTT	(CEP)...	C.L. FARRELL
BRENDA MANUEL	(TP)...	PRO/PER
SANDRA MANUEL	(PRO/PER)...PRO/PER
MYRNA DOEREL	(PRO/PER)...PRO/PER
PAUL MANUEL	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

Continued from 09/10/09, 11/17/09, 2/4/10 and 3/29/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At hearing on Readiness Calendar on 7/9/09, court noted that the Second amended accounting is to be filed by 7/17/09. Need accounting.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls/cbr/gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS02735

CASE NAME: MTR OF KATHRYN DANISE SIDERS STOKES

HEARING:
Accounting Review

COUNSEL:
RUSSELLYN KATHRYN WALL (CPE)...BRUNICK MCELHANEY & BECKETT
KATHRYN DANISE SIDERS STOKES (CEP)...C.L. FARRELL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 6/1/09 Court approved the 1st account; 2nd accounting now due.
2. No accounting or waiver of account filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS3711

CASE NAME: IN THE MATTER OF JESSE J CLARK

HEARING:
Accounting Review

	COUNSEL:
JESSE J CLARK	(CEP)...
JOLENE AXTELL	(CPE)...HORSPOOL & PARKER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 6/2/08 Court approved the 26th account; 27th accounting now due.
2. No accounting or waiver of account filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 10:30 DEPT: S33P

CASE#: VC VS00249

CASE NAME: MTR OF VICTOR L SCARAMELLA

HEARING:

FOURTH & FINAL Account and Report of ROGER V SCARAMELLA and
Petition for allowance of fees filed.

COUNSEL:

ROGER V SCARAMELLA (PET)...KELLER & KELLER
VICTOR L SCARAMELLA (PCE)...
BOND SERVICES OF CA INSURANCE (TP)...

GENERAL INFORMATION

Continued from **3/17/09, 05/21/09, 6/25/09, 8/20/09, 10/8/09, and 12/10/09** at request of
counsel.

**Continued from 2/4/10 as Mr. Keller expects to have the final accounting filed by
next week.**

Continued from 4/12/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON fourth and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting covers 9-23-05 through 9-22-08. Conservatee died on 10-31-06.
2. Accounting is not divided into a before death and after death accounting as is required by Pr.C. § 2620(b). Please re-do accounting in the proper format.
3. Assets on hand: \$141,539.15 cash.
4. On 8-29-06 the Conservatee placed \$100,000 in a CD account. The account did not mature until 8-26-08. During that time the account earned \$8,463.23. Where was the rest of the money held during this period? File verified supplement.
5. Court may wish to request all bank statements during the accounting period.
6. There were distributions of \$1,950 in 8-08 that are not accounted for in the accounting. As we have no other bank statements it cannot be determined if there were additional distributions between date of death and 9-08.
7. **There is no accounting for the period between 9-08 and 3-09.**

8. The current bond is \$110,000. The assets on hand are \$132,733.92. Thus, the bond was/is insufficient during the accounting period.
9. Petitioner proposes to distribute assets to the representative of the estate of the decedent. Has a representative been appointed? File verified supplement.
10. Attorney requests fees of \$1,505. Attorney bills his rate at \$200 per hour. There is also billing at \$50 per hour. This billing is attributed to a paralegal. File a statement of paralegal qualifications, as is required by California Rule of Court, rule 7.754.
11. Petitioner alleges that he is waiving fees as he paid himself \$900 per month from the estate in accord with a prior court order. It is unclear if the Conservator continued to pay himself this amount after the death of the Conservatee, in that there is no accounting for that period.

12. File notice of hearing and proof of service.

RECOMMENDATION:

Need correction of notes. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for **6/13/11**.

(NMT/gls/vet/gls/fhl/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **MISC.**

DATE: 06/07/10 TIME: 1:30 DEPT: S33P

CASE#: CON PS0800266

CASE NAME: KYLE AVERY TILTON

SEE ALSO 56

HEARING:
Mandatory Settlement Conference

	COUNSEL:
JUDY TILTON	(CE)...HORSPOOL & PARKER
KYLE AVERY TILTON	(CTE)...PRO/PER
JUDY TILTON	(CE)...HORSPOOL & PARKER

No calendar notes as this is on for Mandatory Settlement Conference.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 1:30 DEPT: S33P

CASE#: CON PS0800266

CASE NAME: KYLE AVERY TILTON

SEE ALSO 55

HEARING:

FIRST Account and Report of JUDY TILTON and Petition for allowance of fees filed.

COUNSEL:

JUDY TILTON (CE)...HORSPOOL & PARKER
KYLE AVERY TILTON (CTE)...PRO/PER

GENERAL INFORMATION:

At 3/4/10 hearing on petition of Kyle Tilton requesting appointment of counsel to represent him, Court appointed Attorney Bryan Hartnell as Guardian Ad Litem for Kyle Tilton and Attorney Martina Ravicz as counsel for Kyle Tilton.

Continued from 4/8/10 as matter is also set for MSC.

THIS CASE IS SET FOR HEARING ON First Account and Petition for Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Accounting covers period 12/1/08 – 1/7/10.
2. Assets on hand \$942.93 consisting of cash.
3. Bond in amount of \$20,000 appears sufficient.
4. Petitioner requests fees in amount of \$15,340.00 for 767 hours billed at \$20/hr. Itemization provided. Petitioner received periodic payments in amount of \$3,800 during period of account. Balance due to petitioner is \$11,540.00. Petitioner requests that Court authorize Wells Fargo Bank, Trustee of the Kyle Tilton Settlement Trust, to pay the balance due. JTD.
5. Attorney requests fees in amount of \$14,290.00 and costs of \$1,246.47. Fees computed on 44.20 hours billed at \$250-\$325/hour. Itemized. Attorney states he received a deposit in amount of \$3,500 from conservatee's personal injury attorney. Balance due to attorney is \$12,036.47. Petitioner requests that Court authorize Wells Fargo Bank, Trustee of the Kyle Tilton Settlement Trust, to pay the balance due. JTD.

6. Petitioner states that during the period of account, conservatee was arrested for violation of Penal Code §288(A) (Case No. FMB900054) and a criminal defense attorney was hired and paid for by Kyle Tilton Settlement Trust. Wells Fargo Bank is Trustee of Trust and trust makes distributions to conservatorship for living expenses of conservatee. The trust is also under jurisdiction of this court (Case No. PROPS0900847). The criminal case was initially resolved with probation and a work-release program. The father of conservatee was to take conservatee to Glen Helen to comply with terms of probation. Subsequent to the end of the accounting period, conservatee violated terms of probation, and probation was revoked. An arrest warrant has been issued. Petitioner is working with conservatee's criminal defense attorney to resolve matter.

Petitioner states that conservatee resides with his father but that father has moved his girlfriend and some other people into the home. Petitioner alleges that there may be people residing in the house who may have criminal records.

Court may wish to have Guardian Ad Litem and Court-appointed Attorney for conservatee file reports to determine whether conservatee is complying with terms of probation and whether housing situation of conservatee is in his best interests. JTD.
7. Court Investigator report filed 12/2/09.
8. **Objection in the form of a declaration filed by counsel for conservatee.**
9. **Response to objections filed.**

RECOMMENDATION:

RFA, subject to fees. If approved, set next Accounting Review for **04/14/11**. Accounting to be filed 30 days in advance.

(fhl/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0700267

CASE NAME: CARMELO ROSA

SEE ALSO 58

HEARING:
Mandatory Settlement Conference

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
CARMELO ROSA (DEC)...
ROSARIA ROSA (CON)...ROY A HOFFMAN
SALVATORE D'AGOSTA (JAMES P. BALLANTINE)...JAMES P.
GIUSEPPA ROSA (PRO/PER)...PRO/PER
GIOVANNA ROSA (DIJULIO LAW GROUP)...DIJULIO L
LUCIA ROSA (DIJULIO LAW GROUP)...DIJULIO L
ROSANNA ROCCHETTA (DIJULIO LAW GROUP)...DIJULIO L

No calendar notes as this is on for Mandatory Settlement Conference.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/07/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0700267

CASE NAME: CARMELO ROSA
SEE ALSO 57

HEARING:
Probate status report filed.

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
CARMELO ROSA (DEC)...
ROSARIA ROSA (CON)...ROY A HOFFMAN
SALVATORE D'AGOSTA (JAMES P. BALLANTINE)...JAMES P.
GIUSEPPA ROSA (PRO/PER)...PRO/PER
GIOVANNA ROSA (DIJULIO LAW GROUP)...DIJULIO L
LUCIA ROSA (DIJULIO LAW GROUP)...DIJULIO L
ROSANNA ROCCHETTA (DIJULIO LAW GROUP)...DIJULIO L

GENERAL INFORMATION:
Continued from 11/30/09 and 1/11/10.

THIS CASE IS SET FOR HEARING ON Probate status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 11/14/07.
2. Representative reports that the estate cannot be closed because there is a pending will contest. Representative requests an additional year to administer the estate.

RECOMMENDATION

Court's discretion. If approved, set next accounting review / status review for 12/6/10.
(abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: CON PS0800156

CASE NAME: PATRICIA A. SPIRES

HEARING:

FIRST Account and Report of WESTON A SPIRES and Petition for fees

COUNSEL:

WESTON A SPIRES (CPE)...HARTNELL, LISTER & MOORE
PATRICIA A SPIRES (CEP)...DONNASUE SMITH-ORTIZ
DONNASUE SMITH ORTIZ (PET)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:

Continued from 5/3/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary conservatorship of person and estate was established in 6/08.
General conservatorship of person and estate was established in 8/08.
2. Accounting period 6/30/08 to 6/29/09 (12 months).
3. Assets on hand \$228,987.74 (\$33,905.74 cash).
4. Petitioner waives compensation.
5. Atty requests \$11,837.50 fees. Itemized. Calculated based upon 54.8 hrs, attys at \$250-325/hr, paralegals at \$75-125/hr. JTD.
6. Petitioner requests bond reduction from \$97,500 to \$50,000. Calculated including cost of recovery. JTD.
7. Starting assets on hand for the accounting (\$277,444.66) do not match I&A (\$273,444.66). Need correction or verified supplement addressing.
8. Disbursements show approximately \$2,800 to conservator for reimbursement of travel expenses. Need verified supplement explaining.
9. Petitioner provides beginning and ending bank statements. Need all bank statements for entire period of account per Pr.C. 2620(c).

RECOMMENDATION

Need to clear notes. If approved, set next accounting review for **9/6/10** (if one year) or **9/5/11** (if two year).

(abs/kra)

Superior Court of Calif, County of San Bernardino

Page: 2

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: MPR MS01608

CASE NAME: ESTATE OF ROBERT LARUE SINGLETON

HEARING:

Hearing Re: OSC RE: SANCTIONS

COUNSEL:

JOHN YOUNG (PET)...DENNIS J HEALEY
ROBERT LARUE SINGLETON (DEC)...
BOND SERVICES OF CALIFORNIA (TP)...
RENE LEE ANNE HOOKS-SINGLETON (PRO/PER)...PRO/PER

GENERAL INFORMATION:

On 05/03/10 Court set OSC hearing as there was no appearance by John Young or final discharge/receipts filed. Counsel stated that he has had very little cooperation with his client in getting receipt. Notice to be given by counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re Sanctions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need receipt from Doralyn A. Young.
2. Need Ex Parte Petition for Final Discharge and Order.
3. Note: On 3/9/09, a Judgment Enforcing Liability on Bond was entered in order that Attorney Healey's outstanding fees and costs could be satisfied.
4. **Notice of Entry of Judgment filed by Dennis Healy.**

RECOMMENDATION:

Find out status. When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(GLS/NMT/cbr)

Superior Court of Calif, County of San Bernardino

Page: 3

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000208

CASE NAME: MARY IRENE NUTTER

HEARING:

Hearing Re: OSC RE: DISMISSAL

COUNSEL:

ERIC J. NUTTER	(PET)...PRO/PER
TERRY POLYAK	(PET)...PRO/PER
LYNNE SOMMERS	(PET)...PRO/PER
DEBBIE DEROO	(PET)...PRO/PER
JAMIE PALAFOX	(PET)...PRO/PER
JESSICA NUTTER	(PET)...PRO/PER
JULIE NUTTER	(PET)...PRO/PER
MARY IRENE NUTTER	(DEC)...

GENERAL INFORMATION

**On 05/03/10 Court set OSC hearing as there was no appearance or notes cleared.
Notice given by courtroom clerk. Nothing new filed.**

THIS CASE SET FOR HEARING ON OSC re Dismissal for Petition to Determine
Succession to Real Property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are seeking 100% interest of the decedent's 1/2 interest in real property and 100% of personal property to be split per terms of the will.
2. Section 9(b) indicates that decedent is not survived by a step-child, but yet the will states that several of the petitioners are step children. Need verified supplement.
3. Section (a)(3) indicates there is no issue of a predeceased child. However, there are step-grandchildren petitioning. Question whether Jamie, Jessica and Julie are children of Craig Nutter and whether Craig pre-deceased or post-deceased decedent. Need verified supplement.
4. Phillip Polyak is entitled to personal property. Question if Phillip has been distributed his share? Need verified supplement or alternatively need Phillip to petition as co-petitioner.
5. Need notice of hearing and proof of service to Phillip Polyak.

RECOMMENDATION

Court's discretion re OSC. If petitioner appears, need to clear notes.

(cbr)

Superior Court of Calif, County of San Bernardino

Page: 4

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000210

CASE NAME: THE PETERSON FAMILY TRUST

HEARING:
Petition for ORDER

COUNSEL:

J. MARK PETERSON (PET)...MCPETERS MCALEARNEY SHIMOFF &
THE PETERSON FAMILY TRUST (TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Order of Heggstad Petition Pr. C. § 850 (a)(3)(B).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is successor Trustee of the Peterson Family Trust dated 04/08/97 and amended on 12/20/02. Trustor Elliott A. Peterson died on 08/12/08.
2. Petitioner alleges that the trustor failed to transfer certain assets into his trust prior to his death. Specifically Loma Linda Plumbing to include the real property address located at 24797 Redlands Boulevard in Loma Linda (erroneously stated as San Bernardino in the trust amendment). If the assets are set forth in Schedule A of the trust this establishes intent on the part of the settlor that the assets be a part of the trust. It is not necessary to actually transfer by deed to the trust. Petitioner requests that these accounts be considered trust assets under Estate of Heggstad (1993) 16 Cal. App. 4th 943.
3. Petitioner is requesting to confirm that Loma Linda Plumbing and the included real property is the decedent/trustor's property per the judgment of dissolution dated 03/1978. It appears that the property was granted to Trustor; however, it does not appear that the property was ever transferred into Elliot Peterson's name from joint tenancy with his ex spouse, Donna Peterson. Need proof of recording of Judgment of Dissolution.
4. Notice filed.

RECOMMENDATION

Court's discretion.
(cbr)

Superior Court of Calif, County of San Bernardino

Page: 5

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000328

CASE NAME: MTR OF NEVILLE AND FLORENCE M GROW 1990 TRUST

HEARING:

Petition for TO COMPEL TRUSTEE TO ACCOUNT

COUNSEL:

JILL WEHNER (PET)...GREGORY T ANNIGIAN
NEVILLE AND FLORENCE M GROW 19(TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Compel Trustee to Account Pr. C. § 17200 (b)(7).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Jill Wehner, is beneficiary of The Neville and Florence M. Grow 1990 Revocable Trust dated 08/28/90. Trustor Neville died 01/02/99 and Florence died 03/09/08. Joan Salvati is successor trustee of the trust.
2. Petitioner is requesting an account for period 03/09/08 to current. Ms. Salvati, prepared an account on 02/10/10 whereas Ms. Wehner objected to allegations made that Ms. Wehner took \$13,000 in personal property. Petitioner requested a response on 03/09/10. However, six months have not passed since the accounting was presented to petitioner per Pr. C. § 17200(b)(7). Question under what authority is petitioner requesting the account prior to 08/10/10? Need verified supplement.
3. Petitioner is requesting attorney's fees and costs. Question how this petition benefits the trust? Need verified supplement.
4. Need notice of hearing and proof of service per Pr. C. § 17203.

RECOMMENDATION

Need to clear notes.

(cbr)

Superior Court of Calif, County of San Bernardino

Page: 5A

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 04/19/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700228

CASE NAME: CARREN JANE CHASTEK

HEARING:

Hearing re Final Discharge

COUNSEL:

CYNTHIA A CHASTEK (PET)...E CAMERON PICKETT
CARREN JANE CHASTEK (DEC)...
MICHAEL N BALIKIAN (TP)...MICHAEL N BALIKIAN
WELLS FARGO CARD SERVICES (PRO/PER)...PRO/PER
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 12-29-09 and 04/19/10. The 401k found to not be an asset of the estate. Need new distribution order and statutory fee calculation. All assets shall be distributed in the same proportion or method as previously indicated.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge/status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for final distribution granted 10/21/08. Order for final distribution entered 1/26/09.
2. Personal representative has received all property with exception of the 401k plan (see notes below).
3. Status report filed by petitioner, personal representative, indicating that the T. Rowe Price/Kindred refuses to make the court ordered transfer to personal representative Cynthia Chastek totaling \$9,627.43. The amount was for towards reimbursements of costs advanced to the estate. The T. Rowe Price/Kindred 401k plan claims that the account should be split equally between the heirs, Cheryl Miller and Cynthia because the 01/26/09 court order does not comply with ERISA and section 2.4 in accordance with terms of their plan (tabbed). The following concerns need verified supplement.
 - a. Section 2.4 of the plan indicates absent any written beneficiary designation the distribution would be to the closest linear relative "before" the estate. Thus, question if this is an estate asset?

- b. If the asset is not an estate asset, court may wish to set aside the order for final distribution in order to recalculate (correct) statutory fees.
 - c. Court may wish to require complete copy of the 401k plan to better determine the correct beneficiary of the asset? **On 04/19/10, Court the 401k was never paid to the estate. Therefore, it is not an estate asset. Court vacated the order for final distribution. Need new order with amended distribution and new statutory fee calculation.**
- 4. Attorney indicates that attorney's fees have incurred to date of \$1,500. However, attorney has not requested any reimbursement at this time. This appears to be part of general administration.
 - 5. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION:

Need to clear notes. When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. No bond company to notice.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700560

CASE NAME: MTR OF JEFFREY FLOYD BONNEY

HEARING:

FINAL REPORT OF THE ADMINISTRATOR Account and Report of ALTA REA
BONNEY and Petition for allowance of fees filed.

COUNSEL:

ALTA REA BONNEY (PET)...WALTER SCOTT
JEFFREY FLOYD BONNEY (DEC)...

GENERAL INFORMATION

Continued from 05/03/10. No appearance. Notice given by courtroom clerk.

THIS CASE SET FOR HEARING ON Petition for Final Account, Distribution and
Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is sole heir and waives accounting.
2. Attorney is requesting statutory fees of \$5,885.34 to be paid outside of the estate as there not enough cash to pay the fees. Calculated. However, the report indicates that counsel has already been paid on page 3 line 26. Need verified supplement.

RECOMMENDATION

RFA subject to note 2. If approved, court to set hearing on filing receipts and final discharge for 06/13/11. Court to vacate the 10/18/10 Accounting Review hearing.

(cbr)

Future hearing dates:

10/18/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0701114

CASE NAME: VERLIN A WHITFORD

HEARING:
Accounting Review

COUNSEL:
BARBARA J WHITFORD (PET)...JAMES B CHURCH
VERLIN A WHITFORD (DEC)...
KEVIN WHITFORD (PET)...RANDAL P HANNAH

No file available for review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800214

CASE NAME: ROBERT WAYNE SEXTON

HEARING:

Petition for FINAL DISTRIBUTION AND FOR ALLOWANCE OF COMMISSIONS

COUNSEL:

ROBERT C SEXTON (PET)...PRO/PER
ROBERT W SEXTON (DEC)...
JOANN L MILLER (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 10-27-09. Need supplement re: claims; need to file receipts for claims; need explanation of payment re funeral expenses and notice needs to be sent to all parties.

Continued from 12/01/09. Court notified Ms. Miller and all creditors that they should file objections, if any, and appear at next hearing. Clerk's office to notice all creditors.

Continued from 01/05/10. M.S.C. on 04/15/10 indicated matter was settled. Ms. Miller agreed to withdraw her objections to petition in lieu of payment for \$4960. Mr. Sexton to supplement petition including payment to Capital One, payment to Joann Miller and balance to him as heir (see note 3).

THIS CASE SET FOR HEARING ON Petition for Final Distribution, Waiver of Account and Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is sole heir and waives accounting.
2. Petitioner is requesting statutory compensation of \$2,324.99. Calculated.
3. Receipt filed for Ms. Miller and copy of cashier's check for Capital One.
4. Petitioner has returned the real property to the lender, Joann Miller, per agreement with the lender.
5. Petitioner sold two depreciating vehicles without notice. However, petitioner is sole heir.
6. Petitioner distributed household furnishings and personal effects to avoid expense of storage.

7. Proposed order submitted; however returned for corrections.
8. **Objections withdrawn.**

RECOMMENDATION

Court's discretion. If approved, court to set hearing on filing receipts and final discharge for 06/13/11.

cbr/vet/abs/cbr/abs/cbr

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800276

CASE NAME: PETER DAVID MOSELEY

HEARING:
Accounting Review

COUNSEL:
JOAN C MOSELEY (PET)...BROWN WHITE & NEWHOUSE LLP.
PETER DAVID MOSELEY (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION:

Continued from 07/09/09, 9/14/09, 10/19/09, 12/3/09, 03/04/10 and 04/12/10 at request of counsel. Counsel to file supplement addressing tax issues.

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

- 1 Letters of administration issued 05/01/08, no bond.
- 2 No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(vet/fhl/kra/gls/fhl/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800306

CASE NAME: CHRISTINE PAYNE

SEE ALSO 11

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

XAVIER WARDELL NICHOLAS (PET)...CHARLES APPEL
GLORIA WALTERS (PET)...CHARLES APPEL
CHRISTINE PAYNE (DEC)...
BOND SERVICES OF CALIFORNIA, L(TP)...PRO/PER

GENERAL INFORMATION:

Continued from 11/02/09 for corrected Inventory and Appraisal.

Continued from 01-11-10, 02/23/10 and 05/03/10.

THIS CASE IS SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued 4/2/09, no bond.
2. Final inventory and appraisal has been filed. However, at Item 3, no indication whether attachments include all or a portion of the estate. Need corrected inventory and appraisal.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.

(fhl/cbr/vet/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800306

CASE NAME: CHRISTINE PAYNE

SEE ALSO 10

HEARING:

Probate status report filed.

COUNSEL:

XAVIER WARDELL NICHOLAS (PET)...CHARLES APPEL
GLORIA WALTERS (PET)...CHARLES APPEL
CHRISTINE PAYNE (DEC)...
BOND SERVICES OF CALIFORNIA, L(TP)...PRO/PER

GENERAL INFORMATION:

Continued from 02/23/10 and 05/03/10.

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners allege the estate is not in a condition to be closed as the real property has several debts associated with it totaling \$12,285.42.
2. Petitioners request an additional 2 months while they investigate options to pay the debts of the estate.
3. Pleading is not verified as required by CRC Rule 7.103(b). Need same.
4. File Notice of Hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory**

RECOMMENDATION:

Need to clear notes, then Court's discretion. Set hearing for the next status report and/or account for **06/13/11**. Any accounting to be filed 30 days in advance.

(vet/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800446

CASE NAME: THE FOTOU FAMILY TRUST

HEARING:
Probate status report filed.

COUNSEL:
GRACE A. LOVE (STE)...JAY OBERHOLTZER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First Accounting approved on 7/31/08, for period 8/6/07 - 10/3/07; partial distribution approved. On 8/12/09, court ordered counsel to file status report re: one piece of real property in Apple Valley that has not been distributed.
2. Petitioner alleges that the property is unmarketable at this time. Petitioner reportedly attempted to sell the subject property in 2006 without success and given the current real estate market the property will not be sold at any significant price for several years. Petitioner indicates that they will continue to market the property as effectively as possible. Petitioner alleges they will use the remaining trust funds to cover the expenses of the acreage (taxes and brush removal).
3. Notice filed.

RECOMMENDATION

Court's discretion. If approved, set next Accounting Review for 01/10/11.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800766

CASE NAME: Jane H Richardson Trust

HEARING:
Hearing Re: ATTORNEY FEES

COUNSEL:

JESSICA BLUNDEN (PET)...GREGORY T ANNIGIAN
HARDEN L RICHARDSON (PET)...PRO/PER
JANE H RICHARDSON TRUST (DEC)...
HUGH BLUNDEN (PET)...GREGORY T ANNIGIAN
BRENT BLUNDEN (GREGORY T ANNIGIAN)...GREGORY T
JOSELYN BLUNDEN (GREGORY T ANNIGIAN)...GREGORY T

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Attorney Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Gregory Annigian, is counsel for several of the beneficiaries.
2. Petitioner is requesting fees of \$22,403.12 for 66.2 hours at \$300/320 per hour and remaining costs owed. Itemized. JTD
3. Declaration states department 33. Need notice with proper department listed.

RECOMMENDATION

Need to clear note 3. Court's discretion.

(cbr)

Future hearing dates: 07/06/10 First and Final Accounting of Successor Trustee

Superior Court of Calif, County of San Bernardino

Page: 14

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0801102

CASE NAME: KENNETH E VOCKE

HEARING:
Accounting Review

COUNSEL:
CAROL VOCKE (PET)...C.L. FARRELL
KENNETH E VOCKIE (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review/Status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 03/16/09, full authority \$20,000 bond.
2. Need accounting or status report.

RECOMMENDATION

Inquire status.

(cbr)

Superior Court of Calif, County of San Bernardino

Page: 15

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900100

CASE NAME: ALBERTA LEWIS LIVING TRUST

HEARING:

Petition for ORDER TO AMEND ALBERTA W. LEWIS TRUST

COUNSEL:

LILLIE VEE LEWIS-MURRAY (PET)...GEORGE HOLLOWAY
ALBERTA LEWIS LIVING TRUST UDT(TRU)...
JOHN TAYLOR (OBJ)...KEITH A DAVIDSON
ANNIE BEATRICE CALLAHAN ()...
ARTICE LOUISE KOUNTY LEWIS CAR ()...
THE TESTATE & INTESTATE SUCCES ()...

GENERAL INFORMATION:

Continued from 03/18/10. Candice Tolbert will be filing objections to proposed amendment. Lillie Vee Lewis-Murray objects to property being sold. Court stated that co-trustees are in breach of trust agreement.

THIS CASE IS SET FOR HEARING ON Petition for Order to Amend Alberta W. Lewis Trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is one of four co-trustees of a trust established by a now-deceased trustor. The trust is now irrevocable. A dispute arose between the trustees and on 12/10/09 a settlement was reached resolving the outstanding issues which arose from the filing of two trust accountings. Petitioner requests an Order to amend the trust in accordance with the settlement agreement between the parties as follows:
 - a. That upon payment of the sum of \$45,000 to John Allen Taylor, his interest in the trust will be terminated both as trustee and as beneficiary;
 - b. That Lillie Vee Lewis-Murray, Annie Beatrice Callahan, and Artice Carson will be the only Co-Trustees and beneficiaries of the trust, other than contingent beneficiaries;

- c. That upon the death of the last beneficiary, the entire trust corpus and all trust assets shall be liquidated and the proceeds distributed to the then living grandchildren of Alberta W. Lewis;
- d. That the Court confirm to Lillie Vee Lewis-Murray her ownership interest as a tenant in common in a one half of the trust property located at 214 East High Avenue, Redlands, California;
- e. That Lillie Vee Lewis-Murray will pay rent to the trust for her occupancy of the trust real property, as to the one half of the real property owned by the trust. Petitioner will execute a formal month to month rental agreement;
- f. Lillie Vee Lewis-Murray will also pay half of the real property expenses and the trust will pay the other one half.

As the terms of settlement were recited in open court for the record, Court may wish to have consents agreeing to terms stated in petition signed by current co-trustees of trust (Lillie Vee Lewis-Murray, Annie Beatrice Callahan, Artice (Kountz-Lewis) Carson, and John Allen Taylor). JTD.

2. No objections filed at time of review.

RECOMMENDATION:
Court's discretion.

(fhl/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900106

CASE NAME: DENNIS M. SHEA

HEARING:
Accounting Review

COUNSEL:
JAMES BETTIS (PET)...HARTNELL LISTER & MOORE
DENNIS M SHEA (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review/Status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 03/23/09, full authority no bond.
2. Need accounting or status report.

RECOMMENDATION

Inquire status.

(cbr)

Superior Court of Calif, County of San Bernardino
Page: 17
CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900116

CASE NAME: MTR OF STEVEN D BOONE

HEARING:
Accounting Review

	COUNSEL:
KRISTI WELDON	(PET)...JOHN L WELCH
STEVEN D BOONE	(DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review/Status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 06/17/09, full authority \$152,000 bond.
2. Need accounting or status report.

RECOMMENDATION

Inquire status.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900126

CASE NAME: ROY D. KIRBY

HEARING:
Accounting Review

	COUNSEL:
JOHN E MALLON	(PET)...JOHN CHAKMAK
ROY D KIRBY	(DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review/Status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 04/03/09, full authority no bond.
2. Need accounting or status report.

RECOMMENDATION

Inquire status.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900820

CASE NAME: JOHN E UNGER AND CLARA G UNGER REVOCABLE TRUST

HEARING:
Status Conference

COUNSEL:
CHRISTINA JEAN UNGER MIKULICH (PET)...TODD E MARSH
ANAMARIA LEE UNGER (PET)...TODD E MARSH
RICHARD JAMES JOHN UNGER (PET)...TODD E MARSH
JOHN E UNGER AND CLARA G UNGER(TRU)...
MARSHA DIANN NICKLAUS (OBJ)...MARK KESTER BROWN

Status conference – No notes.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SC SS03090

Vacated

CASE NAME: MTR OF ADA JEAN BRYANT

HEARING:
Hearing re Final Discharge

COUNSEL:

KIM ANNE SIMMONS (CPE)...CARROLL M LAWSON
ADA JEAN BRYANT (CEP)...
AMERICAN CONTRACTORS INDEMNITY(PET)...GARY W BURGER
ADA JEAN HAYNES WILSON (OBJ)...PRO/PER

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS00704

CASE NAME: IN THE ESTATE OF RICHARD C LATONA

HEARING:

Hearing Re: First/Second and Review of Final Accounting

COUNSEL:

RICHARD C LATONA	(DEC)...
STANLEY OROPESA	(PET)...EUGENE S ALKANA
JOANNA LATONA	(STE)...C.L. FARRELL

GENERAL INFORMATION:

At Readiness Calendar hearing on 3/29/07, both counsels inform the Court that they are not ready to proceed to trial. The court also accepted the resignation of the trustee, Stanley Oropesa, and appointed Joanna Latona as successor trustee with bond required to be posted in the amount of \$25,000. The court then set this review date. Continued several times since 6/14/07 and from 8/13/09 and 10/1/09 for settlement discussions.

Continued from 12-22-09, 02/23/10 and 04/13/10. Stanley Oropesa and his counsel to appear at hearing. Court wants settlement finalized.

THIS CASE IS SET FOR HEARING ON First/Second and Review of Final Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. A final accounting is due from Stanley Oropesa for the period 10/1/04 – 3/29/07. The first and second accountings previously filed by Stanley Oropesa were the subject of the Court trial. However, on 3/29/07, the court vacated the trial as counsel informed the court they were not ready to proceed. The Minute Order of 4/2/09, states there may be a possible settlement.
2. Status report filed stating that the accountings span a period of 15 years and bank records were subpoenaed. However, bank records are only maintained for a period of 7 years. Counsel has been working together to reach a settlement based on the bank records available. Negotiations are

continuing, and counsel alleges the parties are cooperating and working together in good faith.

3. **Need settlement agreement.**

RECOMMENDATION:

Court's discretion. If approved, court to set hearing on filing of receipts and final discharge for **06/13/11**.

(/GLS/NMT/KRA/NMT/gls/abs/vet/cbr)

Superior Court of Calif, County of San Bernardino

Page: 22

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS05497

CASE NAME: MTR RE JOE CRUZ GUTIERREZ

HEARING:

Hearing Re: OSC RE: SANCTIONS FOR FAILURE TO APPEAR/FILE

COUNSEL:

GARFIELD L LOGAN	(PET)...GARFIELD L LOGAN
JOE CRUZ GUTIERREZ	(DEC)...
JOE FRANK GUTIERREZ	(TP)...PRO/PER
ROBERT GUTIERREZ	(BRYAN C. HARTNELL)...BRYAN C.
STEVE M GUTIERREZ	(PRO/PER)...PRO/PER

GENERAL INFORMATION

On 05/03/10 Court set OSC hearing as there was no appearance by Garfield Logan or final discharge/receipts filed. Notice given by courtroom clerk. Nothing new filed.

THIS CASE SET FOR HEARING ON OSC re Sanctions for Failure to Appear/File Receipts.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution granted on 01/13/09.
2. Need receipts and or declaration with copies of cancelled checks. **Counsel ordered to file declaration re attempts to get receipts with attached copies of cancelled checks.**
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Court's discretion.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS05952

CASE NAME: MTTR OF THE KAYLAH C ROOT SPECIAL NEEDS TRUST
SEE ALSO 24

HEARING:

Hearing Re: OSC RE: SANCTIONS FOR FAILURE TO APPEAR & FILE

COUNSEL:

PFF BANK & TRUST (PET)...SCOTT GROSSMAN
KAYLAH CIARA ROOT SPECIAL NEED(STRU)...

GENERAL INFORMATION

**On 05/03/10 Court set OSC hearing as there was no appearance or accounting filed.
Notice given by courtroom clerk. Nothing new filed.**

THIS CASE SET FOR HEARING ON OSC re Sanctions for Failure to Appear/File.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Fifth account approved on 02/08/10.
2. Need Sixth and final account for prior trustee U.S. Bank for 09/01/09 - 02/08/10.

RECOMMENDATION

Court's discretion re OSC.

(cbr)

Future hearing dates:

8/19/10 Accounting Review for successor trustee West America Bank

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS05952

CASE NAME: MTTR OF THE KAYLAH C ROOT SPECIAL NEEDS TRUST
SEE ALSO 23

HEARING:
Accounting Review

COUNSEL:
PFF BANK & TRUST (PET)...SCOTT GROSSMAN
KAYLAH CIARA ROOT SPECIAL NEED(STRU)...

See previous matter.

Superior Court of Calif, County of San Bernardino

Page: 25

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS06802

CASE NAME: EST OF MARY JANE WILSON

HEARING:

FIRST AND FINAL Account and Report of WILLIAM F O'NEIL and
Petition for allowance of fees filed.

COUNSEL:

WILLIAM F O'NEIL	(PET)...MARTIN E KELLER
MARY JANE WILSON	(DEC)...
PATRICIA J O'NEIL	(PET)...MARTIN E KELLER
RICHARD DONELLA	(TP)...PRO/PER

GENERAL INFORMATION:

Continued from 10/1/09, 12/03/09, 1/11/10, 02/18/10 and 04/05/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON: FIRST AND FINAL Account and Report of
WILLIAM F O'NEIL and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is attorney for executor and has filed Account and Report on behalf of deceased executor.
2. Petitioner states only issue remaining is payment of federal and state income taxes.
3. Petitioner states that deceased executor performed services for which statutory and extraordinary fees may be due. However, the request for fees will be withheld pending the appointment of a successor administrator and the filing of the petition to close the estate.
4. Petitioner states no creditor claims were filed. However, executor filed a creditor claim on 9/18/06 in the amount of \$5,250.00 for services rendered between 4/4/03 – 5/17/06 for collecting rents from tenants for the property owned by decedent, cleaning decedent's house, paying bills associated with the rentals and checking the house and apartments. Billed at \$15/hour. Does court wish to allow at this time or set for hearing and notice other heirs to determine if there are any objections? JTD

6. The following notes relate to Summary of Account and supporting schedules (Need verified supplement)
 - a. Petitioner states that inventory filed in amount of \$223,788.96, which is overstated by \$500.
 - b. Disbursements schedule shows following:
 - i. Check 1857 written 6/11/06 "to Bill – three checks" in amount of \$1,371 with no description.
 - ii. Check 1817 written 10/21/07 to Martin Keller in amount of \$450 with no description.
 - c. Assets on hand schedule does not show furniture and furnishings of decedent.
5. Need copy of escrow closing statement per local rule 20-910.
6. **Note:** Successor administrator, Patricia J O'Neil, has not posted \$365,000 bond.

RECOMMENDATION:

Need to clear notes. Court to set OSC re bond sufficiency for successor administrator Patricia O'Neil. If approved, court to set hearing on filing receipts and final discharge for **06/13/11**.

(fhl/gls/abs/cbr/fhl/cbr)

Future hearing dates: 6/13/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS06898

CASE NAME: EST OF ROYCE IRVIN PERKINS

HEARING:
Accounting Review

COUNSEL:
MELISSA HANSON (PET)...SCOTT SHOWLER
ROYCE IRVIN PERKINS (DEC)...

GENERAL INFORMATION

On 02/22/10 OSC hearing, Court re-set accounting as counsel requested an extension as tax returns were not filed.

THIS CASE SET FOR HEARING ON Accounting Review/Status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/17/06, no bond.
2. Partial No. 1 Inventory is filed. Need final inventory.
3. In a status report filed 10/10/08, counsel states that estate assets are accounts receivables owed to decedent and that petitioner is pursuing those receivables through litigation (CIVSS701540). Petitioner states that the claims are not susceptible of appraisal at that time. Appears that this would explain lack of final I&A and accounting.
4. **At 9/17/09 hearing, Court was informed that Attorney Showler is filing dissolution of professional corporation and when it is done, to assign judgment and receivables to heirs. Court may wish to inquire status.**

RECOMMENDATION

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(cbr)

Superior Court of Calif, County of San Bernardino

Page: 27

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS07056

CASE NAME: ESTATE OF SUSAN C. LEY

HEARING:

Hearing re Final Discharge

COUNSEL:

FRANK F. LEY	(PET)...PRO/PER
SUSAN C. LEY	(DEC)...

GENERAL INFORMATION

Continued from 03/22/10 and 04/26/10.

THIS CASE SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution approved on 03/16/09.
2. Receipts filed with supplement explaining extra cash.
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Inquire status.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS07294

CASE NAME: ESTATE OF ROBERT G REYNOLDS

HEARING:
Hearing Re: Receipts and Final Discharge

COUNSEL:
SHERRY LAYMAN (PET)...JAMES B CHURCH
ROBERT G REYNOLDS (DEC)...

GENERAL INFORMATION:

Continued from 5/19/08, 6/8/09, 10/05/09 and 04/19/10. Counsel cannot provide a receipt until all monies have been paid. Counsel is still owed \$3600. Court finds that the administrator has violated the court's order and could be held in contempt. Administrator to file declaration within 30 days stating her proposed plan to pay attorney within 6-12 months. Ms. Layman ordered to appear.

THIS CASE IS SET FOR HEARING ON: Receipts and Final Discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order Settling First and Final Account and for Final Distribution issued on 5/14/07.
2. Need Receipts.
3. Need Ex Parte Petition and Order for discharge.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. No bonding company to notice.

(smj/cbr)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: CON DS1000116

CASE NAME: MTR OF DEANA SANCHEZ

HEARING:
Petition for Appointment of Conservator

COUNSEL:

MUCIO SANCHEZ (CP)...PRO/PER
REMEDIOS SANCHEZ (CP)...PRO/PER
DEANA SANCHEZ (CTP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator of the Person by Mother and Father.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, father, is petitioning for Conservator for himself and his spouse; proposed Conservatee's mother.
2. Petitioner is requesting medical powers. Capacity Declaration filed. However, page one is not signed by physician and section 1 is incomplete as to name and address of physician. Need corrected Capacity Declaration.
3. Petitioner is requesting powers under Pr. C. § 2351.5 to secure habilitation or treatment, training or educational services etc. JTD
4. Proposed Conservatee is developmentally disabled. Need appointment of counsel and report.
5. Proposed Conservatee is developmentally disabled. Need notice and report from Inland Valley Regional Center.
6. Court to see Confidential Conservator Screening forms and inquire (tabbed).
7. Need return of citation.
8. Need Certificate of Completion of the Conservatorship Training Class.
9. Need Court Investigator report.
10. Need notice of hearing and proof of service.

RECOMMENDATION

Need to clear notes. If approved, set hearing date for compliance review hearing for proof of service on order appointing Conservator, notification of Conservator's rights and care plan in accord with Pr.C. §§ 1830 and 2352 for **01/10/11**. Annual Court Investigator report review date for **06/13/11**.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0600029

CASE NAME: Matter of Consuelo Hernandez

HEARING:
Hearing Re: STATUS RE: VALID ADDRESS

COUNSEL:

MARSELA HERNANDEZ TAKAYAMA (CE)...PRO/PER
CONSUELO HERNANDEZ (CTE)...
KAREN J SEGEL (PET)...KAREN J SEGEL
PAULA E MARTINEZ (TP)...REID & HELLYER
JOSE E MARTINEZ (REID & HELLYER)...REID & HE
EDDIE RAMIREZ (LAW OFFICES OF JE GRISWOLD & A)...LAW OFFIC
SHERRY RAMIREZ (JAMES E GRISWOLD & ASSOCIATES)...JAMES E G
ADOLFO LOERA (JAMES E GRISWOLD & ASSOCIATES)...JAMES E G
AMERICAN CONTRACTORS INDEMNITY(LANAK & HANNA)...LANAK & H

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status re: Valid Address.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 05/03/10, Court set matter when citation was returned undeliverable as to Marsela Hernandez Takayama. Attorney Lawrence Kalfayan notified the court he would attempt to secure a current address for Ms. Takayama (Conservator).

RECOMMENDATION

Inquire status.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0700036

CASE NAME: BRANDI PETRICKA

HEARING:

SECOND AND FINAL Account and Report of GARRY RIECHERS, JEANNE RIECHERS and Petition for allowance of fees filed.

COUNSEL:

GARRY RIECHERS	(CP)...DENNIS M SANDOVAL
JEANNE RIECHERS	(CP)...DENNIS M SANDOVAL
BRANDI PETRICKA	(CTP)...ROBERTA L TAYLOR
CASA COLINA, INC.	(RES)...MCDERMOTT WILL & EMERY

GENERAL INFORMATION

Continued from 04/26/10. Public Guardian appointed successor Conservator of the person.

THIS CASE IS SET FOR HEARING ON Second and final SNT account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Co-petitioners were the co-conservators and co-trustee's of conservatee's SNT. On 3/29/10 the court approved resignation of co-conservators in favor of Public Guardian, appointed PG as successor, and stated that it would consider the appointment of a successor trustee at the 4/26/10 hearing. Appears this accounting is for conservatorship estate only. Any SNT accounting will need to be set when successor trustee is appointed.
2. Question how a final SNT accounting can be presented when petitioners have not yet been relieved as co-trustees and a successor has not yet been appointed. **Supp: Co-trustees resign and Lois Leflar consents to appointment as Successor Trustee.**
3. Accounting period 4/25/07 to 1/31/10 (two years and nine months).
4. Assets on hand \$22,685.50.
5. Petitioners waive compensation.

6. Atty requests \$5,168 fees. Itemizes. Calculated based upon 23.9 hrs, atty at \$250-\$300/hr and paralegal at \$120/hr. JTD.
7. Schedule of disbursements shows many entries totaling \$618.62 for unspecified "administrative fees and expenses." Need verified supplement explaining.
8. Need bank/investment statements.
9. Accounting is presented as if for SNT yet conservator-type fees were paid including board and care bills. Suggest court require the facility statements that would have been required by Pr.C. 2620(c)(5) had this been a true conservatorship accounting.
10. Report of counsel filed.

RECOMMENDATION

Need to clear notes. If approved, court to consider whether it wants to require a true final accounting after petitioners have been relieved as co-trustee (per note above). If so, set accounting review in 120 days for true final accounting.

(abs/cbr)

Superior Court of Calif, County of San Bernardino

Page: 32

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0800150

CASE NAME: MARY LEE COLEMAN

HEARING:

FIRST Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:

ROBERT DOUGLAS COLEMAN (CPE)...PRO/PER
MARY LEE COLEMAN (CEP)...
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

GENERAL INFORMATION

**Continued from 04/26/10. Real property sold at foreclosure at a loss of \$123,000.
Need supplement re sale and loss.**

THIS CASE IS SET FOR HEARING ON 1st account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 10/14/08 – 01/07/10.
2. Assets on hand \$9,811.90 consisting of cash and pre-need burial trust.
3. Public Guardian and County Counsel request fees of \$941.00 each.
4. Petitioner is requesting fees for special services totaling \$405.00 re the sale of personal property. JTD
5. The real property was sold at auction 03/09. However, the report itself does not reflect the sale nor does the summary of account show the loss. Question whether there was a surplus on the property after sale? Need verified supplement, escrow statement and amended accounting to indicate any loss.

RECOMMENDATION:

Need to clear note 5. If approved, Court may wish to set the next hearing re Accounting Review for **05/02/11** or a biennial Accounting Review for **04/30/12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900014

CASE NAME: ATHANASIOS MIRAGIAS

HEARING:
Accounting Review

COUNSEL:
HARALAMBOS MIRAGIAS (CPE)...SMITH SMITH BLONSKA & STRUCK L
CYNTHIA MIRAGIAS (CPE)...SMITH SMITH BLONSKA & STRUCK L
ATHANASIOS MIRAGIAS (CEP)...JACK B OSBORN

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservators appointed on 03/30/09; person and estate, no bond.
2. Need accounting.

RECOMMENDATION

Inquire status.

(cbr)

Superior Court of Calif, County of San Bernardino
Page: 34
CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900226

CASE NAME: RAMONA ANDERSON

HEARING:
Hearing Re: STATUS REPORT

	COUNSEL:
JACK ANDERSON	(PCR)...RICHARD G ANDERSON
ALANNA J. ANDERSON	(PCR)...RICHARD G ANDERSON
KRISTI ANDERSON	(PCR)...RICHARD G ANDERSON
RAMONA ANDERSON	(PCE)...NOREEN FONTAINE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Jack Anderson appointed Conservator on 04/19/10, person and estate \$20,000 bond.
2. Counsel ordered to advise Conservator that court wants Conservator to visit his mother, Conservatee, at a minimum of twice a year and continue regular contact with the facility. Court is concerned with Conservatee's depression and that Conservator should met and confer with a work with Conservatee's doctor and social worker. Ms. Fontaine is to remain on the case and remain abreast of the issues. Need report on nutrition issue.

RECOMMENDATION

Need report then Court's discretion.

(cbr)

Future hearing dates:
11/22/10 Conservatorship Compliance Review Hearing
6/27/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: RC RS00590

CASE NAME: RUTH ALLEN

HEARING:
Hearing re Final Discharge

	COUNSEL:
LINDA WHITE	(CPE)...CHRISTOPHER A POULOS
RUTH ALLEN	(CEP)...LINDA J GLADSON

No file available for review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS02907

CASE NAME: MTR OF MARGARET L COCHRAN

HEARING:

THIRD & FINAL Account and Report of TWANA S BRAUER and Petition for fees

COUNSEL:

TWANA S BRAUER	(CPE)...THOMPSON & COLEGATE
MARGARET L COCHRAN	(CEP)...
TAMARA R BENTON	(TP)...PRO/PER
CASSANDRA D CULLIN	(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Third and Final Account and Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period 01/01/09 – 03/15/10.
2. Assets on hand \$17,696.87 all cash.
3. Petitioner is requesting that the Conservatorship of the estate be terminated. Petitioner alleges that the Conservatorship estate is completely exhausted of funds and does not expect any additional funds to come to the estate. Petitioner alleges that they have applied for Medi-Cal on behalf of the Conservatee. When approved, the skilled nursing facility will be paid directly from Medi-Cal. However, it appears that the Conservatee receives Social Security of \$884 a month and CalPers of \$1088.34 a month. Question how the Conservatorship could be a no asset estate with \$17,696.87 in cash and income of \$23,668 a year? Need verified supplement.
4. Petitioner is requesting the Conservatorship of the person be terminated as the Conservatee signed a Healthcare Durable Power of Attorney and a living will in 2001. It does not appear that these documents were mentioned in the initial petition filed in 2005. Question whether court revoked these powers? Need verified supplement.
5. There is no schedule C Disbursements to reflect the \$101,201.49 amount on the summary of account. Need same.

6. Need original facility statements for Country Villa Healthcare Center per Pr.C. §2620(c)(5).
7. Petitioner is requesting compensation of \$1,625.00 bill at \$25 per hour for 65 weeks of laundry services; 1 per week. JTD
8. Petitioner requests authorization to pay petitioner's daughter, Kimmi Grulke, \$787.50 for bookkeeping services. The service is generally calculated at a rate of \$50/hour for a total of 15.75 hours. JTD
9. Attorney requests fees of \$4,410.00 for legal services. Billing is based on a rate for attorneys at \$175-\$250/hour and for paralegals at \$100/hour for a total of 37.5 hours.
10. Attorney requests reimbursement of \$426.79 for costs advanced. Itemization indicates costs for fax and mileage. Ordinarily the Court will not allow reimbursement for costs of ordinary mileage incurred by counsel, as these are part of overhead, and should be absorbed in fees or commissions. Court may wish to reduce the total request by \$38.40 for a total reimbursement of \$388.39
11. Petitioner is requesting bond be discharged as petitioner is requesting termination of estate. Alternatively, court could reduce bond to \$20,000.
12. Court Investigator report filed on 10/15/09.

RECOMMENDATION

Need to clear notes. If petition denied for termination of estate, set next Accounting Review for **06/13/11** or a biennial Accounting Review for **06/11/12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance. If petition for termination of estate is granted, set hearing on filing receipts and final discharge for **06/13/11**.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS03026

CASE NAME: MTR OF WANDA LEIGH HOLDERBY

HEARING:
Hearing re Final Discharge

COUNSEL:
MICHAEL SHAWN TAFT (CPE)...PRO/PER
WANDA LEIGH HOLDERBY (CEP)...
PUBLIC GUARDIAN (SC)...COUNTY COUNSEL

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution approved on 03/29/10.
2. Need receipt for Department of Health Services.
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Inquire status.

(cbr)

Future hearing dates: 4/04/11 Hearing re Final Discharge

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00538

CASE NAME: MATTER OF KATHRYN R SCHMIDT

HEARING:

CURRENT Account and Report of DAVID BROMBACH, ELIZABETH BROMBACH
and Petition for allowance of fees filed.

COUNSEL:

DAVID J BROMBACH (PET)...PRO/PER
ELIZABETH I BROMBACH (PET)...PRO/PER
KATHRYN R SCHMIDT (CPE)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Third Account Current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatee passed away on 02/19/10.
2. Accounting period from 10/01/08 – 09/30/09. Need accounting up until date of death of 02/19/10 and a separate after death accounting.
3. Assets on hand \$73,608.15 (cash, note receivable and automobile).
4. Petitioners are not requesting fees.
5. Accounting and report are not verified per Pr.C. §1021. Need verification.
6. Accounting does not meet the requirements of Pr.C. §1061. Also, it cannot be determine whether or not the accounting is in balance as there is no summary of account. In addition, Accounting is not on mandatory Judicial Council forms GC-400/405. Need to file amended accounting.
7. Report not in the form required per Pr.C. §1064. File amended report.
8. Need to file notice of hearing and proof of service.

RECOMMENDATION

Need amended account and report.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **MISC.**

DATE: 06/07/10 TIME: 1:30 DEPT: S34P

CASE#: PRO PS0600080

CASE NAME: DONALD H ROSE

SEE ALSO COMPANION FILE ON FOLLOWING PAGE.

HEARING:
Hearing Re: COURT TRIAL

COUNSEL:
DAMON T ROSE (PET)...SOHEILA AZIZI & ASSOCIATES P C
DAMON T ROSE (PET)...NOREEN T FONTAINE
DONALD H ROSE TRUST (TRU)...
SVEN E ROSE (OBJ)...BRIAN J SIMPSON

No calendar notes as this is on for Court Trial.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/07/10 TIME: 1:30 DEPT: S34P

CASE#: PRO PS0900631

CASE NAME: DONALD H. ROSE

SEE ALSO COMPANION FILE ON PREVIOUS PAGE.

HEARING:
Hearing Re: COURT TRIAL

	COUNSEL:
DAMON T ROSE	(PET)...SOHEILA AZIZI & ASSOCIATES P C
DONALD H ROSE	(DEC)...
SVEN E ROSE	(OBJ)...BRIAN J SIMPSON

No calendar notes as this is on for Court Trial.